

**Debevoise
& Plimpton**

Debevoise & Plimpton LLP
66 Hudson Boulevard
New York, NY 10001
+1 212 909 6000

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/17/2023

August 17, 2023

The Honorable Mary Kay Vyskocil
United States District Court for the Southern District of New York
500 Pearl Street
New York, New York 10007

Rauch Industries, Inc. v. Heart Artist LLC, et al., No. 22 CV 909 (MKV) (JLC)

Dear Judge Vyskocil:

The undersigned counsel represent Plaintiff Rauch Industries, Inc. (“Rauch”) and Defendants Christopher Radko (“Radko”) and Heart Artist LLC (“Heart Artist”) (collectively “Defendants” and together with Rauch, the “Parties”) in the above-referenced action. We write to jointly request an adjournment of the status conference currently scheduled for August 24, 2023, (ECF No. 172), *sine die* or to a date to be determined following the Parties’ conference before Judge Cott on September 6, 2023 (ECF No. 178).

This case is currently stayed to allow the Parties to focus on settlement discussions in which the Parties are currently engaged. *See* ECF Nos. 166, 170, 174, and 178. Pursuant to his July 27, 2023, Order, Judge Cott directed the Parties to “report back to the Court in an attorneys-only telephone conference on September 6 at 2:30 p.m.” ECF No. 178. At that time, counsel are to “either report that [the Parties] have reached a settlement or are very close to doing so, or alternatively that settlement has not been reached and that the case should proceed and the remaining discovery go forward.” *Id.*

Should the stay be lifted, the Parties would have additional discovery to complete. As outlined in our July 25, 2023, status letter, the Parties disagree as to whether additional fact discovery is appropriate. ECF No. 176, p. 2. Should they fail to reach a settlement agreement in the interim period, the Parties intend to raise this dispute with Judge Cott during the September 6 conference. Accordingly, the Parties request that the Court issue an order adjourning the August 24, 2023, status conference *sine die* and directing the parties to file a status letter on September 8, 2023, following the conference before Judge Cott.

Thank you for your attention to this matter.

Respectfully submitted,

/s/ Megan K. Bannigan

Megan K. Bannigan
David H. Bernstein
Kathryn C. Saba
Debevoise & Plimpton LLP

/s/ G. Roxanne Elings

G. Roxanne Elings
Davis Wright Tremaine LLP
1251 Avenue of the Americas

The Hon. Mary Kay Vyskocil

2

August 17, 2023

66 Hudson Boulevard
New York, New York, 10001
Telephone: (212) 909-6000

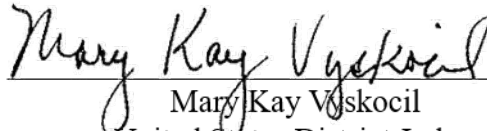
New York, New York 10020
Telephone: (212) 603-6416

Attorneys for Plaintiff Rauch Industries, Inc.

*Attorney for Defendants Christopher Radko
and Heart Artist LLC*

The August 24, 2023 Conference is ADJOURNED to October 3, 2023 at 2:30 PM. The Court will not adjourn the conference again. If the parties have not settled this action by that date, the parties should be prepared to proceed expeditiously. SO ORDERED.

Date: 8/17/2023
New York, New York


Mary Kay Vyskocil
United States District Judge